

1 **[AS PROPOSED BY THE ALLIANCE FOR AUTOMOTIVE**
2 **INNOVATION WITH MODIFICATIONS FROM LEG. COUNSEL]**

3 * * * Airbags * * *

4 Sec. 26a. 13 V.S.A. § 2026 is amended to read:

5 § 2026. INSTALLATION OF OBJECT IN LIEU OF AIR BAG

6 (a) No person shall knowingly:

7 (1) manufacture, import, distribute, offer for sale, sell, lease, transfer,
8 install, or reinstall, or knowingly cause to be installed, or cause to be
9 reinstalled: a counterfeit automobile supplemental restraint system component,
10 a nonfunctional airbag, or

11 ~~(1) an object in lieu of a vehicle air bag that was designed in accordance~~
12 ~~with the federal safety regulation~~ an automobile supplement restraint system
13 component, when the object does not comply with the requirements of
14 49 C.F.R. § 571.208, as amended, for the make, model, and year of a vehicle;

15 or

16 ~~(2) an inoperable vehicle air bag, knowing the air bag is inoperable~~
17 install or reinstall as an automobile supplemental restraint system component
18 anything that causes the diagnostic system for a motor vehicle to fail to warn
19 the motor vehicle operator that an airbag is not installed or fail to warn the
20 motor vehicle operator that a counterfeit automobile supplemental restraint
21 system component or nonfunctional airbag is installed in the motor vehicle.

1 (b) A person who violates subsection (a) of this section shall be imprisoned
2 for not more than three years or fined not more than \$10,000.00, or both.

3 (c) A person who violates subsection (a) of this section, and serious bodily
4 injury, as defined in section 1021 of this title, or death results, shall be
5 imprisoned for not more than 15 years or fined not more than \$10,000.00, or
6 both.

7 (d) Subsection (a) of this section shall not apply to the sale, lease, transfer,
8 installation, or reinstallation of an airbag in a motor vehicle exclusively used
9 for law enforcement.

10 (e) As used in this section:

11 (1) “Airbag” means an inflatable restraint device for occupants of motor
12 vehicles that is part of an automobile supplemental restraint system.

13 (2) “Automobile supplemental restraint system” means a passive
14 inflatable crash protection system that a vehicle manufacturer designs to
15 protect automobile occupants in the event of a collision in conjunction with a
16 seat belt assembly, as defined in 49 C.F.R. § 571.209, and that consists of one
17 or more airbags and all components required to ensure that each airbag:

18 (A) operates as designed in a crash; and

19 (B) meets federal motor vehicle safety standards for the specific
20 make, model, and year of manufacture of the vehicle in which the airbag is
21 installed.

1 (3) “Counterfeit automobile supplemental restraint system component”
2 means a replacement component, including an airbag, for an automobile
3 supplemental restraint system that without the authorization of a manufacturer,
4 or a person that supplies parts to the manufacturer, displays a trademark that is
5 identical or substantially similar to the manufacturer’s or supplier’s genuine
6 trademark.

7 (4) “Install” and “reinstall” require the completion of installation work
8 related to the automobile supplemental restraint system of a motor vehicle and
9 either:

10 (A) for the motor vehicle to be returned to the owner or operator; or

11 (B) for the transfer of title for the motor vehicle.

12 (5) “Nonfunctional airbag” means a replacement airbag that:

13 (A) was previously deployed or damaged;

14 (B) has a fault that the diagnostic system for a motor vehicle detects
15 once the airbag is installed;

16 (C) may not be sold or leased under 49 U.S.C. 30120(j); or

17 (D) includes a counterfeit automobile supplemental restraint system
18 component or other part or object that is installed for the purpose of misleading
19 a motor vehicle owner or operator into believing that a functional airbag is
20 installed.

1 (6) “Nonfunctional airbag” does not include an unrepaired deployed
2 airbag or an airbag that is installed in a motor vehicle:
3 (A) that is a totaled motor vehicle, as defined in 23 V.S.A.
4 § 2001(14); or
5 (B) for which the owner was issued a salvaged certificate of title
6 pursuant to 23 V.S.A. § 2091 or a similar title from another state.